

Approved Minutes
Friend of the Court Bureau
Advisory Committee Meeting
State Court Administrative Office - Lansing, MI
Thursday, January 10, 2002

MEMBERS PRESENT: Hon. Mabel Mayfield, Susan Licata Haroutunian, Lynn Bullard, Linda Cunningham, Anthony Paruk, Murray Davis, Mike Keeler, David Meyers and Bill Brooks

MEMBERS ABSENT: Patti Holden

STAFF PRESENT: Bill Bartels, and Steve Capps

PUBLIC ATTENDANCE: None

1. CALL TO ORDER

The meeting was called to order by chairperson Susan Haroutunian at 9:50 a.m.

Mr. Anthony Paruk was introduced to the committee. He is an attorney member and is on the Livingston County CAC.

2. ROUTINE BUSINESS

a. Approval of the October 11, 2001 Minutes

A motion was made to approve the minutes. Mr. Brooks seconded the motion. There were no corrections or additions suggested. **Motion passed.**

b. Correspondence None.

c. Public Comment None.

d. Subcommittee Reports

Mr. Bartels informed the committee that the child support formula subcommittee are recommending two changes to the formula manual. The first defines that child support should be calculated before spousal support/alimony. The second recommended change clarifies the effect of the *Burba v. Burba* case on deviation from the formula. Both recommended changes and the committees rationale will be provided to the advisory committee at the next meeting.

e. Legislative Update

The committee was provided with updated copies of bills and a summary of legislation dated 1/10/02. Ms. Haroutunian asked about the no-fault statute. The bill is still in the committee. Mr. Brooks asked about SB 4546 Presumption of sole custody given a history of domestic violence. That bill is also in committee.

f. Bureau Update

Access and Visitation: At the last meeting the committee passed a resolution that the committee (or a new subcommittee) undertake a process of comparing all sixty-five local friend of the court office parenting time policies regarding in order to make modifications to the current parenting time guidelines and to uniformly define reasonable rights of parenting time. In an effort to assist the committee with gathering the information, the bureau provided the committee with a project plan on the parenting time model usage review. While utilizing access and visitation grant monies to pay for staff time and materials, this plan outlines a process for the bureau to gather information from every office, analyze it, and provide a summary and analysis to the advisory committee.

Mr. Bartels discussed with the committee the access and visitation grant program. The committee was provided a handout detailing the grant selection meeting and which offices' programs received access and visitation grant funding for this year.

Grievance and CAC: The committee was provided a chart outlining several reports that was that are prepared and submitted regarding friend of the court operations. The first report discussed was the grievance report to the legislature. The committee was provided with the 2000 Annual Grievance Report which summarizes all grievance activity between January and December and 2000. Although not provided to the committee, the report to the legislature includes a supplement which summarizes CAC activity for the same period of time. Summary reports are submitted by every office biannually, and are due on July 15 and January 15 for the preceding six months.

The second 2001 summary is due from local offices January 15, 2002. The 2001 report to the legislature will be compiled by the bureau, and sent to the legislature in March 2002. The committee will receive a copy with the next meeting's materials.

Mr. Paruk, who is the chair of the CAC in Livingston County, stated that their CAC received all of the grievances from the Livingston County Friend of the Court Office, and that 35 - 40% of their grievances include gender bias. There may need to be clarification to the statute from the legislature clearly stating what the CACs can review.

Mr. Capps discussed the statute and the changing bureau role in the grievance procedure. Some of the changes in how the bureau handles complaints regarding local office

operations, will occur by shifting the focus to the statutory grievance procedure. Under the considered changes when calling the bureau, litigants will receive an explanation that the friend of the court bureau statutorily does not have authority to intervene in their case, and a further explanation that the law provides a grievance procedure. That procedure is designed to determine (investigate) what the friend of the court office did to create the litigant's issue and how the issue may be resolved. Instead of spending resources on listening to complaints that the bureau has no authority to remedy, the bureau's focus will shift to more thoroughly reviewing grievances and analyzing them. By reviewing grievances, patterns or trends may help identify issues that will suggest the need to implement training, or the need to write new or modify existing policies. As part of these changes, the forms may be slightly modified and the bureau will issue a model or standard investigation format or criteria for friends of the court to utilize when investigating and responding to grievances.

At the end of the meeting, during the members closing comments section, Mr. Davis made a motion that was seconded by Dr. Brooks that the committee recommends that the State Court Administrative Office issue an updated grievance procedure that requires friend of the court offices submit copies of all grievances and responses to the friend of the court bureau. **Motion passed.**

Statistical Reporting: The 2000 Friend of the Court Statistical Report is still being edited, and upon completion, will be provided to the committee. The 2001 SCAO 41 reports are due February 14, 2002 from all friend of the court offices. Ms. Bullard expressed concern that a committee meeting to review what is reported had not been rescheduled. Another issue in reporting statistics are the inconsistent and at times conflicting numbers provided by CSES.

Annual Statutory Review: Chief Judges are required to annually review the friend of the court. Currently, the form is more an evaluation of the individual director than of office operations. Evaluations are conducted in July, following public notice and an opportunity for public comment. Copies of the review must be submitted to the bureau, and are due August 15th.

3. UNFINISHED BUSINESS

a. Guideline Review

Mr. Bartels provided the committee with a copy of an updated plan and schedule regarding the review. Overall there are several major components to the review process. Policy Studies Inc. (PSI) is currently working on providing two reports. The first is the review of the formula manual, which includes provision of updated economic figures, comparisons to other models, and recommendations to improve the formula. The second report from PSI will be on improving the measurement of application of and deviation from the formula.

The current plan is to complete review of the material and make all of the changes in time for inclusion in the 2003 Michigan Child Support Formula Manual. In order to make the December 2002 distribution deadline, the following are the targets for completion of major tasks. PSI will present the review of the formula report to the formula subcommittee and advisory committee in mid-April. The formula subcommittee will review the report and make their recommendations for change to the advisory committee by August. The Advisory Committee will review the subcommittee recommendations and make their recommendations to the State Court Administrator by mid-October.

The report on recommendations to improve measurement of application of and deviation from the formula will be provided by mid-May. The bureau and State Court Administrator will review the recommended approaches and decide on which survey method will be used. A baseline survey will be completed in 2002 to establish how much use and deviation from the formula is occurring. Once the changes to the formula are implemented in 2003, a second survey will be conducted in 2003 or 2004 to measure the change in application and deviation.

A web based user survey has been added to the review. It is currently being developed and will allow anyone (both users and general public) the opportunity to provide input regarding the child support formula. The public and user comments compiled into a report by Policy Studies Inc. (PSI), and the information will be used by the subcommittee and advisory committee when they consider recommending changes to the formula.

b. Parenting Time Guideline & Uniformity

At the last meeting, there was a resolution to gather materials from all friend of the court offices regarding their use of the parenting time guidelines. There will be a short memo and survey sent out to the friend of the courts that will assess the use and incorporation in current model policy. The results will be provided at the next meeting.

c. Committee & Subcommittee Vacancies

Advisory Committee: One public member position remains vacant. Last year notices were sent to all Friend of the Court offices and local Citizens Advisory Committees seeking letters of interest from anyone wanting to be on the committee. However no one responded. Mr. Bartels will work with John Ferry to seek qualified candidates and fill the position.

Formula Subcommittee: Due to inability to attend or resignations, new judicial, human services professional, and friend of the court members were needed. The Advisory Committee Chairperson Susan Haroutunian appointed three new members, so every position on the subcommittee is filled. Mr. Davis asked that a list of all members of the subcommittee be provided to the advisory committee.

Ms. Kim Lem, a staff psychologist at Kalamazoo Psychology, was appointed as the human services professional member. The Hon. Michael Skinner, a Family Division Judge from the Eaton County was appointed as the judicial member. Mr. Roland Fancher, the Kalamazoo County Friend of the Court, was appointed as the friend of the court member.

In preparation for the review of the formula resulting from the PSI report, John Ferry may appoint several *ex-officio* members. Mr. Bartels will be contacting Jeff Albaugh and Don Reisig to ascertain their interest and availability to serve as ex-officio members of the subcommittee.

4. NEW BUSINESS

a. Role of the Advisory Committee

Mr. Bartels provided the committee with the Friend of the Court Bureau Advisory Committee's Statement of Purpose and By-Laws, and a copy of MCL 552.519. Mr. Bartels stated that as indicated by Mr. Capps' earlier discussion, the bureau is looking at prioritizing what it does, and focusing to assure that all of the statutory duties are met.

The committee reviewed the Statement of Purpose. Ms. Bullard suggested changing the primary purpose to reflect that the advisory committee is statutorily required to advise the bureau in the performance of its duties under the friend of the court act (MCL 552.519(4)), and that its advice or guidance regarding issues and concerns that members have relating to friend of the court operations and practice may be outside of what the statute contemplates.

The committee started reviewing the bureau's required duties found in MCL 552.519(3). In subsection (3)(a)(i), the bureau is required to develop guidelines for the operation of an office that include case load and staffing standards. The bureau issued guidelines in November 1990. However, very few offices have ever used them, and because of changes due to automation are probably outdated.

The committee also discussed subsection (3)(a)(ii) regarding orientation programs for clients of offices. Several committee members also thought that provision of updated friend of the court orientation programs was important.

Ms. Haroutunian made a motion recommending that the friend of the court bureau issue updated caseload and staffing guidelines, and update and issue a new friend of the court client orientation program. Ms. Cunningham seconded the motion. **Motion passed.**

Mr. Bartels encouraged members to submit any comments or ideas with respect to updating or improving the statement of purpose. The committee will continue to review the bureau's mandated duties.

5. MEMBERS CLOSING COMMENTS

Mr. Davis made a motion that was seconded by Dr. Brooks regarding a recommendation to issue an updated grievance procedure. The motion passed, for details see the Grievance and CAC section of these minutes.

a. Meeting Date Change

The July 11 meeting has been tentatively changed to August 8, 2002.

VII. PUBLIC COMMENT

None.

VIII. ADJOURNMENT

Motion was made by Ms. Cunningham and supported by all to adjourn at 12:30 p.m.

Respectfully submitted,

Darla Brandon
Trial Court Services